

REMARKS

Claims 1-14 were pending at the time of examination. Claims 1, 6-8, and 11 have been amended. No new matter has been added. The Applicant respectfully requests reconsideration based on the foregoing amendments and these remarks.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 4-9, 11, 12 and 14 were rejected under 35 U.S.C § 103(a) as being unpatentable over U.S. Patent 6,163,316 issued to Killian (hereinafter "Killian") in view of Realmedia Overview and Realpublisher webpages. The Applicant respectfully traverses these rejections.

Killian describes an electronic programming guide (EPG) that operates on a computing platform associated with a television. More specifically, Fig. 1 of Killian shows a JAVA based platform 12 that provides a collection of application programming interfaces (APIs) that allow platform 12 to synchronize and integrate television signals and Internet information for display on television 40 (col.3, lines 15-25). A video source in the form of a recorder controller (18) and/or tuner/decoder (24) provides a video signal (28, 34) directly to one or more audio/video overlays 32, which are coupled to the platform 12 and coordinate the integration of television signals and Internet information in accordance with the operation of the platform 12. The platform 12 retrieves the associated web page using Internet link 14 and audio/video overlays 32 integrating the web page, any appropriate VBI information received from the VBI decoder 28, and the television signal for the selected channel received from the tuner/decoder 24 according to the Java applet (col. 5, lines 20-30).

Therefore, the system described by Killian requires that ALL video data must be integrated with one or more of the audio/video overlays 32 (i.e., non-video content such as text) prior to being sent for display on the television 40, since there is no direct signal between the tuner/decoder 24, for example, and the television 40. In this way, Killian only provides a display having non-video type information such as text, or Internet related information that is fully integrated with a TV signal in the form of, for example, an electronic programming guide (EPG) shown in Fig. 5, and does not teach or even remotely suggest having Internet related information received and displayed separately from video data (see above). In order to receive and display video data separately on the display 40, there would have to be a direct link between the video decoder 24 and the television, which clearly there is not. More specifically, such data is only provided to the platform 12 by way of path 14, which is then fully synchronized and integrated with the video signal at audio/video overlays layer 32.

The Examiner admits that, "Killian does not disclose the use of an applet where the video data is displayed separated from the non-video content of a web page," (page 3, first paragraph of the instant Office Action) and relies upon the RealPublisher and RealMedia Overview references to overcome this deficiency. According to the Examiner, the RealPlayer plugin application which is described in these documents "may be embedded in an html page, or may be displayed separate from the web page, video content is player within the player" (Office action, page 3, second paragraph).

The Applicant agrees that the RealPlayer can be embedded within a webpage or displayed separately from the webpage, and that it may contain video content. However, claim 1 as amended requires that the "the video data is separately received and displayed from any non-video content of the web page." That is, the video data comes from a source and through a path that are different from the source and the path for the non-video data of the web page, as can be seen in Fig. 2 and the corresponding description on page 8, line 30, through page 9, line 9, where the two paths are exemplified by video line 207 and network connection 103.

Throughout the RealMedia Overview reference, it is clear that video data and non-video content are received on the same path and from the same source, that is, in the RealPlayer, the video data is not separately received and displayed from the non-video content, as required by claim 1. For example, page 7 of the RealMedia Overview reference shows a system overview where all the data (which may be of several types) is received over a computer network exemplified by the cloud labeled "Internet/Intranet." The figure on page 8 of the RealMedia Overview reference shows how files A and C containing "visual information" and a file B containing "audio information" is synchronized into "a single timeline" and received by the RealPlayer from the RealServer over a network connection – not through a separate video line. Thus, again, the video data and the non-video data are not separately received, as required by claim 1. The figure on page 11 shows another example where a "live source" from a "live encoding program" streams content to a RealPlayer from a server over a network connection. Numerous similar examples can be found in the RealMedia Overview reference. The RealPublisher reference does not add any significantly different information compared to the RealMedia Overview reference.

It is therefore clear that Killian in combination with the RealPublisher and the RealMedia overview references cannot teach nor reasonably suggest the claimed limitation of "wherein the video data is separately received and displayed from any non-video content of the web page," as required by amended claim 1. Additionally, referring to Fig. 3A of the application, the virtual control panel 310 is used to control the video area 304 in such a way that any changes to the

video area 304 (such as brightness or contrast) cannot in turn affect the control panel 310, since they would adversely affect the ability of the user to view and otherwise use the control panel 310. If a reduction in brightness of the RealPlayer window were done, for example, the whole display 10 would also be reduced in brightness, regardless of whether the RealPlayer is separately displayed or part of a webpage. This fact merely reinforces the Applicant's belief that the RealPublisher and the RealMedia overview references neither teach nor suggest "wherein the video data is separately received and displayed from any non-video content of the web page."

The Examiner also believes that Killian "inherently contains a PIP object and PIPinfo object which are utilized for the display and control of an EPG control panel" (page 7, first paragraph, of the instant Office Action). The Applicant respectfully disagrees since Killian never mentions the use of a separate window to control the EPG, "a viewer associated with television 40 selects a particular channel for viewing using input device 42..." (Killian, col. 4, lines 61-64).

Independent claims 6, 7, 8 and 11, as amended, recite essentially the same scope as claim 1 and are therefore also allowable over the cited art for at least the reasons cited for claim 1. All dependent claims depend either directly or indirectly from claims 1, 6, 7, 8, and 11 and are therefore also allowable over the cited art.

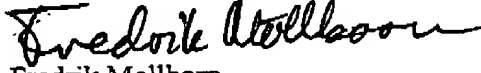
The Examiner also rejected claims 3, 10 and 13 under U.S.C. 103 as being unpatentable under Killian in view of RealMedia Overview and RealPublisher in further view of U.S. Patent 5,594,510 issued to Sakakibara (hereinafter "Sakakibara"), which describes a method for tuning the channel of broadcasting waves and identifying channel plan by applying memorized frequency data (see Title). Accordingly, Sakakibara adds nothing to the Killian, RealMedia Overview or RealPublisher with regards to rendering claims 3, 10 or 13 obvious, which moves the Applicant to contend that claims 1-14 are allowable over Killian, RealMedia Overview, RealPublisher and Sakakibara, taken singly or in any combination.

Conclusion

The Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

The Applicant hereby petitions for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee

required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. SUN1P237).

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP

Fredrik Mollborn
Reg. No. 48,587

P.O. Box 778
Berkeley, CA 94704-0778
Telephone: (650) 961-8300